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NUTRITION LABELING

A Comparison of FDA and FSIS Nutrition Labeling Requirements*

U.S. DEPARTMENT OF AGRICULTURE
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FDA Final Rule

FSIS Final Rule

Implementation

May 8, 1994

Mandatory Labeling

Processed foods (other than meat and poultry products) including fresh/frozen fish

Nutrition information provided "as packaged" (may additionally list nutrition information "as consumed"), except that single-ingredient fish or game meat products may provide nutrition information "as consumed" in lieu of "as packaged"

"As packaged" means nutrition information based on packaged product before consumer preparation.

Compliance - industry accountable for determining nutrient content of product. Agency will periodically sample products for nutrition analysis to ensure compliance.

Voluntary Labeling

Raw produce and seafood unpackaged or packaged at retail (final regulation published November 1991)

"As consumed" for raw fish; "As packaged" for raw fruits and vegetables

Implementation

July 6, 1994

Mandatory Labeling

Most meat and poultry products (i.e., basted turkey, chicken franks, corned beef, meat burritos) other than single-ingredient raw meat and poultry products

Same

Same. In addition, FSIS permits the use of data base values, recipe analysis based on data base values, direct analyses, and combinations of these methods.

Voluntary Labeling

Single-ingredient raw meat and poultry products (i.e., ground beef, chicken breasts, whole unbasted turkey) fresh or frozen

"As packaged" or "As consumed"

*For educational purposes only. Not intended as legal interpretation of Final Rules.

FDA Final Rule

FSIS Final Rule

"As packaged" means nutrition information provided on serving size of the product in the package, without further preparation, such as cooking.

"As consumed" means nutrition information provided on cooked fish and game meat, using common cooking methods that do not add fat, flour, salt, etc., which could alter nutrient profile.

Allows use of point-of-purchase materials (e.g., large placards, pamphlets, brochures).

60% of retailers surveyed must be in compliance for at least 90% of the 20 most frequently consumed raw fruits, raw vegetables and raw fish (60 total) by May 1993; if not, will develop regulations for mandatory program; if in compliance, will survey stores every two years to ensure compliance; next compliance survey completed in May 1995.

Allows use of data provided by FDA; products using FDA-approved data will not be subject to compliance procedures.

Same

"As consumed" means nutrition information provided on cooked meat and poultry, using common cooking methods that do not add fat, flour, salt, etc., which could alter nutrient profile.

Same

Significant participation means 60% of stores surveyed provided nutrition information for at least 90% of major cuts (45 total). FSIS will begin surveying retailers to determine levels of participation in July, 1994. Agency will report results in May, 1995. If participation deemed unsatisfactory, FSIS will investigate courses of regulatory action.

Allows use of USDA Handbook #8 for representative nutrient values; products using USDA Handbook #8 data will not be subject to compliance procedures if nutrient content claims are not made.

Nutrition Label Content

Mandatory Disclosures

Calories

Calories from fat

Total fat (grams + % DV)

Saturated fat (grams + % DV)

Cholesterol (milligrams + % DV)

Sodium (milligrams + % DV)

Total carbohydrate
(grams + % DV, includes dietary fiber)

Dietary fiber (grams + % DV)

Sugars (grams)

Protein (grams)

Vitamin A (% of Daily Value)

Nutrition Label Content

Mandatory Disclosures

Same

FDA Final Rule

FSIS Final Rule

Mandatory Disclosures (continued)

Vitamin C (% of Daily Value)

Calcium (% of Daily Value)

Iron (% of Daily Value)

Voluntary Disclosures

Calories from saturated fat

Polyunsaturated and mono-unsaturated fats (grams, unless a claim is made about fatty acid or cholesterol content)

Soluble and insoluble fiber, sugar alcohols and other carbohydrates (grams)

Protein as % of DV for foods other than foods for infants and children under 4

Potassium (milligrams + % of Daily Value)

Thiamin, riboflavin, niacin, and other vitamins and minerals (% DV)

Voluntary disclosures become mandatory if a claim is made about a nutrient, except "calories from saturated fat" and "other carbohydrates."

Simplified Label Format

May be used when 7 or more of the mandatory nutrients are present in insignificant amounts.

Insignificant amount is that which may be declared as zero – except for total carbohydrate, dietary fiber, and protein, where it is an amount that may be labeled as "less than 1 gram"

Voluntary Disclosures

Same

Same, plus stearic acid

Same

Same

Same

Same

Same

Simplified Label Format

May be used when any of the required nutrients; except for the 5 core nutrients: calories, total fat, total carbohydrate, protein, and sodium; are present in insignificant amounts.

Same. Nutrients present in insignificant amounts should be listed in the following statement: "Not a significant source of _____."

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Exemptions from Mandatory Rule

Standard Exemptions

Products for export

Custom slaughter products

Products used in institutional food services
(e.g., hospitals, prisons)

Products intended for further processing

Other Exemptions, Unless a nutrient content claim is made:

Small businesses - Based on number of full-time equivalent employees and units within a product line made yearly. (phase in process - first year, begin with fewer than 300 employees and less than 600,000 units of product; end with fewer than 100 employees and less than 100,000 units after 3 years)

Small packages - a total surface area of less than 12 square inches available to bear labeling

Ready-to-eat foods primarily prepared, processed, or portioned to consumer specification at retail establishments

Restaurants

Serving Sizes

The amount customarily consumed per eating occasion by persons 4 years of age or older

Exemptions from Mandatory Rule

Standard Exemptions

Same

Same

Restaurant menus

Other Exemptions, Unless a nutrient content claim is made:

Small businesses with 500 or fewer employees, and 100,000 pounds or less production of a particular product (phase in process - begin with 250,000 pounds and end with 100,000 pounds after 3 years)

Same, in addition to small individually wrapped packages of less than 1/2 ounce net weight.

Products intended for further processing.

Ready-to-eat products that are packaged or portioned at retail; multi-ingredient products processed at retail.

Products not for sale to consumers, including foods used in institutional food services

Serving Sizes

Same

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139 food product categories with reference amounts; including 11 groups of food specially formulated or processed for infants or children under 4

Serving size for raw fish is 3 ounces cooked.

Household measures (cups, tablespoons, teaspoons, fluid ounces, pieces, or ounces)

When household measure is ounces, visual representation required.

Meals - weigh 10 ounces or more, contain 3 components from 2 or more food groups. Main dish items - weigh 6 or more ounces, contain 2 components from 2 or more food groups.

Units/pieces of varied sizes (e.g. seafood, pickles), labeled in the number of ounces closest to the reference amount plus the approximate number of pieces.

Individual units that weigh between 67 and 200 percent of the reference amount must use 1 unit as their serving size.

Percent Daily Values (%DV)

Percent of Daily Values and daily values (represent Recommended Daily Intakes and Daily Reference Values) will appear on food labels to put food in context of a healthful daily diet.

Establishes RDIs and DRVs, which are meant to serve as reference values, to help consumers compare how nutrient levels in foods contribute toward a healthy diet.

RDIs established for 19 vitamins and minerals.

DRVs established for total fat, saturated fat, cholesterol, protein, total carbohydrate, dietary fiber, sodium and potassium.

23 meat, 22 poultry product categories with reference amounts

Serving size for single ingredient raw meat and poultry is 3 ounces cooked.

Same, except for fluid ounces

Not required

Meal-type products (dinners, entrees) that weigh 6-12 ounces to be labeled in their entirety.

Units or pieces of varied sizes. Serving size expressed as a number and labeled to the average.

Same

Percent Daily Values (%DV)

Same

Same

Same

Same

FDA Final Rule

FSIS Final Rule

Nutrient Content Claims

FDA has general requirements for the use of descriptors and definitions for several nutritional components (e.g., calories, fat, saturated fat, sodium, and cholesterol). Listed below are some of the definitions.

High: Product contains 20% or more of the DRV or RDI per reference amount.

Good Source of: Product contains 10-19% of the DRV or RDI per reference amount.

Fat Free: Product contains less than 0.5 g of fat per reference amount and labeled serving for individual foods and per labeled serving for meal-type products, and no added ingredient that is fat or oil unless identified as trivial in the ingredient statement.

Low Fat: Product contains 3 grams or less of fat per Reference Amount for individual foods and per 100 g for meal-type products that have no more than 30% of calories from fat.

Light or lite: If product derives more than 50% or more of its calories from fat, its fat content is reduced by 50% or more compared to the reference food. If the product derives less than 50% of its calories from fat, the fat is reduced by 50% or more or the number of calories is reduced by at least one-third compared to the reference food.

Reduced/Less fat: Product has reduced fat content of 25% or more.

More/Added/Enriched: Amount of nutrient in the product exceeds the amount in the reference food by at least 10% of the DRV or RDI per reference amount.

Percent Fat-Free: Only used on products that meet low fat definition.

Nutrient Content Claims

FSIS adopts FDA's requirements for the use of descriptors and definitions for several nutritional components.

Same

Same

Same

Same

Same

Same

Same

Same, permit percent lean claims, synonymous with percent fat-free claims.

FDA Final Rule

FSIS Final Rule

"Lean" and "extra lean"

Same as USDA-regulated single-ingredient raw meat and poultry product for use with a FDA-regulated seafood or game meat product. Same as USDA-regulated multi-ingredient meat or poultry meal-type product for use with all FDA-regulated meal-type products.

Same

Same

"Lean" and "extra lean"

Descriptors for use with all meat and poultry products, including meal-type, multi-ingredient products and raw single ingredient meat and poultry cuts

Lean: Meat or poultry products with less than 10 grams of fat, 4.5 or less grams of saturated fat, and less than 95 milligrams cholesterol per 100 grams, and per Reference Amount for individual foods, and per 100 grams and labeled serving size for meal-type products.

Extra-lean: Meat or poultry products with less than 5 grams of fat, less than 2 grams of saturated fat, and less than 95 milligrams cholesterol per 100 grams and Reference Amount for individual foods, and per 100 grams and labeled serving for meal-type products.

Health Claims

Eight health claims are permitted on foods only where claims are specifically provided for by regulations and where no other nutrient is present in an amount that increases the risk of disease. The claim must be supported by publicly available scientific evidence and there must be significant scientific agreement among qualified scientists.

"Healthy"

Final Rule effective May 8, 1994, for foods labeled with the claim for the first time; January 1, 1996 for pre-existing products.

Health Claims

No provisions in January 1993 rule; will publish proposal at later date

"Healthy"

Final Rule effective November 1995 for meat and poultry products.

For more information about nutrition labeling, contact:

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FDA

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